

FINDING AND RECOMMENDATIONS

Submitted by: John Upton

Finding:

The Lake Tahoe Water Quality 208 Plan as adopted in 1988 increases the cost and reduces the effectiveness of fuels treatments because machine operations in SEZ's are only allowed over "snow of sufficient depth to prevent disturbance of the soil beneath the snow."

Background and Supporting evidence:

These over the snow conditions, originally designed to control any equipment use within SEZ areas, rarely exist. Temperatures and snowfall are unpredictable at lake level. Applied to fuels treatments, this prescriptive language has led to a proliferation of exemptions, waivers, and project requirements by Lahontan Regional Water Quality Control Board (LRWQCB) resulting in many proposed fuel reduction projects being abandoned because of unwarranted cost of money and time.

Agency personnel and field practitioners involved with preparing and managing fuel reduction and forest health projects have stated that permitting times and requirements, and therefore costs, are higher in California compared to Nevada. The root problem stems from the layering of regulatory processes in California having both Tahoe Regional Planning Agency (TRPA) and LRWQCB involved in permitting projects when SEZ's and slopes over 30 percent are involved. In Nevada TRPA is the single regulatory agency for permitting work under the Lake Tahoe 208 Water Quality Plan which encompasses the entire Tahoe Basin Watershed.

SEZ's (wetland and secondary SEZ's) are described in the 208 Plan and there has been testimony to the Wildland Fuels Committee that the SEZ indicators (soil, vegetation, moisture content etc) will be updated. TRPA is more effective than LRWQCB for developing and interpreting regulations because they are a multi-disciplinary agency that considers all of the environmental consequences of their decisions. LRWQCB is narrowly focused on water quality issues in one state and rarely considers all of the environmental consequences of its decisions. The updating of the 208 plan creates opportunities to eliminate the prescriptive "over the snow" requirement, to design requirements to specifically allow use of mechanized equipment designed for low impact operation on sensitive soils, and to codify BMP requirements specifically designed for wildland fuels, forest health and watershed restoration projects.

Recommendation:

1. It is recommended that the Governors of the State of Nevada and California direct TRPA to revise their Lake Tahoe 208 Water Quality Plan's section for mechanical work

within SEZ's. Suggested language is: "Work within SEZ's shall be limited to either mechanized equipment designed for low impact in sensitive soils when soils are stable, or when snow depth is adequate for over the snow removal. This provision applies to wildland fuels reduction, forest health, and watershed restoration projects."

2. It is further recommended that the Governor of California direct the State Water Board, when ratifying this change to the 208 Plan, to assure that all permitting is vested only with TRPA for the above purposes within the SEZ's, bringing consistency with current project permitting in the State of Nevada.

Impacts of Implementation

Cost: There will be substantial savings to LRWQCB and to agency staffs by eliminating the current layering of permitting processes in California.

Funding source: None required. The revision of the 208 Plan is anticipated by TRPA and State staffs to accommodate updated information for SEZ identifiers.

Staffing: Existing staffs for TRPA and responsible state agencies would handle the revision process.

Existing regulations or laws: Revision of the 208 Plan is provided in the authorizing legislation for the Clean Water Act. The TRPA has been delegated the responsibility to prepare and revise the 208 Plan with State ratification.